

REMARKS

Claims 13-24 are pending and under current examination. In the Office Action, the Examiner rejected claims 13, 14, 16-22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,311,397 (“Harshberger”); and objected to claims 15 and 23 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully traverse the rejection for the following reasons.

Rejection of Claims 13, 14, 16-22 and 24 under 35 U.S.C. § 103(a):

Applicants request reconsideration and withdrawal of the rejection of claims 13, 14, 16-22, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Harshberger. No *prima facie* case of obviousness has been established with respect to these claims for at least the reason that Harshberger does not teach or suggest each and every claim element. Moreover, the Office Action did not provide any explanation of the rejection, in violation of 37 C.F.R. § 1.104(c). The burden thus remains with the Examiner.

The Office Action alleged that Harshberger “substantially discloses the claimed invention, including first and second devices latched together, [and] the act of latching/unlatching serving to activate/deactivate a switch.” Office Action, p. 2. The Office Action, however, did not provide any citation to any part of Harshberger in support of these allegations. In particular, the Office Action did not point out which parts in Harshberger allegedly correspond to the claimed “first device” and “second device,” as recited in claims 13 and 21. The Office Action, however, alleged that “[a]ny differences between Harshberger et al and the claimed subject matter are deemed to be obvious matters of design lacking criticality.” Office Action, p. 2.

As an initial matter, Applicants point out that the rejection is legally deficient at least because the Office Action did not point out any relevance between the claimed invention and Harshberger, or any specific citation thereto. 37 C.F.R. § 1.104(c) requires that the Office Action do more than merely state that a claim is rejected without providing any explanation. “When a reference is complex or shows or describes inventions other than that claimed by the appellant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 C.F.R. § 1.104(c)(2). In this case, the Office Action merely stated that “[c]laims 13, 14, 16-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harshberger et al” (Office Action, p. 2), without providing any citation to Harshberger and without explaining any pertinence of Harshberger to each element of at least independent claims 13 and 21. As such, the Office Action’s rejection of independent claims 13 and 21 under 35 U.S.C. § 103(a) is improper and legally deficient for at least this reason.

Notwithstanding this deficiency of the rejection, Applicants note that Harshberger does not teach or suggest at least Applicants’ claimed “a first device having a first connector firmly associated thereon, adapted to interface a distribution network,” as recited in claim 13. In contrast, Harshberger discloses a computer assembly comprising a docking bay module 20 (col. 3, lines 22-24 and Fig. 1), a CPU module 22 (*Id.*), a network connector 76 (col. 4, lines 3-4), and a lock and switch assembly 172 (col. 6, lines 11-12 and Fig. 11). However, Harshberger’s network connector 76 is used to connect the points of sale (POS) stations to a file station in a local area network (LAN). *See* Harshberger, col. 4, lines 3-4 and col. 3, lines 29-40. Therefore, Harshberger is completely silent about a device “adapted to interface a distribution network,” as recited in claim 13.

In addition, Harshberger does not teach or suggest at least Applicants' claimed "first device having a first connector firmly associated thereon, adapted to interface a distribution network," and "at least one second device having at least one second connector firmly associated thereon, adapted to interface a residential network," as recited in claim 13 (emphases added). In other words, Applicants' claim 13 requires that a specific connection (first connector) for a specific network (distribution network) is provided in a specific device (first device) and a different connection (second connector) for a different network (residential network) is provided in a different device (second device).

In contrast, Harshberger discloses that only module 20 is provided with connector 76 for the POS stations. *See Harshberger*, Figs. 3 and 6. Harshberger's other modules 22 and 24 are not provided with any network connector. *See Harshberger*, Fig. 1. Therefore, Harshberger does not teach or suggest two different connectors which are adapted to interface two different networks, as required by Applicants' claim 13, which recites "a first connector ... adapted to interface a distribution network," and "at least one second connector ... adapted to interface a residential network."

Moreover, Harshberger does not teach or suggest "at least one interconnecting device comprising a locking element which is slidable between a first operative position corresponding to said first operative configuration of the apparatus and a second operative position corresponding to said second operative configuration of the apparatus," as recited in claim 13 (emphasis added). Even though Harshberger discloses an interconnecting device consisting of a combination key operated lock and switch assembly 172 which is movable between three positions (*see Harshberger*, col. 6, ll. 11-45 and Figs. 1 and 11), latch 174 of the switch assembly

172 is rotatable, which contrasts with the claimed “locking element” of Applicants’ claim 13, which is “slidable.”

Therefore, Harshberger does not teach or suggest each and every claim element of independent claim 13. Moreover, the Office Action did not provide any explanation of the rejection, in violation of 37 C.F.R. § 1.104(c). Thus, the burden has not been shifted and no *prima facie* case of obviousness has been established with respect to independent claim 13. Independent claim 13 should therefore be allowable over Harshberger. Independent claim 21, while different in scope, contains similar recitations as independent claim 13, and should also be allowable for the same reason as independent claim 13. In addition, dependent claims 14, 16-20, 22, and 24 should be allowable at least by virtue of their respective dependence from independent claim 13 or 21. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection.

Objection to Claims 15 and 23

As explained above, Applicants have established that independent claims 13 and 21 are allowable. Therefore, claims 15 and 23 are also allowable at least by virtue of their respective dependence from independent claim 13 or 21. Accordingly, Applicants respectfully request withdrawal of this objection.

Conclusion:

Applicants request reconsideration of the application and withdrawal of the rejection and objection. Pending claims 13-24 are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the related claims. Regardless of whether any such statements are identified herein, Applicants

decline to automatically subscribe to any such statements or characterizations in the Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 17, 2009

By:

David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/